ENVIRONMENTAL

IMPACT SCREENING COMMITTEE

OPERATING GUIDELINES AND PROCEDURES

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ENVIRONMENTAL IMPACT SCREENING COMMITTEE

OPERATING GUIDELINES AND PROCEDURES

1.0 INTRODUCTION

The Western Arctic (Inuvialuit) Claims Settlement Act requires the environmental screening of developments of consequence to the Inuvialuit Settlement Region that could have a significant negative environmental impact. It provides for the establishment of an Environmental Impact Screening Committee to carry out the screening of these developments.

The provisions governing the activities of the Environmental Impact Screening Committee are established within the Inuvialuit Final Agreement and within the by-laws of the Screening Committee. Subject to those provisions, the following procedures will govern the activities of the Screening Committee with regard to the screening of individual development proposals.

2.0 SCOPE

2.1 Every development proposed for the Inuvialuit Settlement Region that could have a significant negative environmental impact shall be screened. This includes developments planned to occur outside of the Inuvialuit Settlement Region but which have the potential for creating negative environmental impacts within the Region. The Inuvialuit Settlement Region is described in Annex A to the Inuvialuit Final Agreement.

2.2 All development proposals relating to the Yukon North Slope shall be screened. The Yukon North Slope is defined in section 12, and in Annex E, of the Inuvialuit Final Agreement.

2.3 "Development" means:

(1) Any commercial or industrial undertaking or venture, including support and transportation facilities relating to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting.

(2) Any government project, undertaking or construction whether federal, territorial, provincial, municipal or local or by any Crown agency or corporation, except government projects within the limits of communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.

3.0 SUBMISSION AND REFERRAL

3.1 Development proposals subject to environmental impact screening will be submitted to the Environmental Impact Screening Committee through the Secretary to the Environmental Impact Screening Committee.

3.2 It will be the responsibility of the person, government or other legal entity owning, operating or causing to be operated, the development to ensure that the development proposal is submitted to the Environmental Impact Screening Committee. For greater certainty, "developer" includes Inuvialuit and Inuvialuit organizations.

3.3 Requests for environmental impact screening of developments may also be submitted to the Environmental Impact Screening Committee by the:

Inuvialuit Regional Corporation

Inuvialuit Game Council

Dene/Metis (pursuant to section 11 (1)(d) of the Inuvialuit final Agreement).

3.4 Where requests for environmental impact screening of developments have been submitted to the Environmental Impact Screening Committee under 3.3 of these procedures, it will be the responsibility of the Committee to advise the developer of the submission and the requirement for screening.

3.5 Submissions for development proposals to be screened must be received no less than 20 days prior to the meeting of the Environmental Impact Screening Committee at which it is to be screened.

4.0 INFORMATION REQUIREMENTS - SCREENING

4.1 Submissions for development proposals to be screened should be in the form of a project description that includes the following:

1. A general overview of the project outlining its scale, timing, location and purpose.

2. A rationale for site selection, where applicable.

3. Where applicable, a description of project phases and/or elements and a timetable for implementation.

4. Where applicable an outline of any new technology involved.

5. A list of government approvals, licenses and/or permits of an environmental or regulatory nature as they relate to each phase or element of the project.

6. An outline of potential (worst case scenario) negative environmental effects organized by project phase and/or element. This should include an inventory of resources that could be impacted.

7. An outline of mitigative measures that will be undertaken to reduce, control or remove potential negative environmental impacts. An indication as to whether these mitigative measures are proven in terms of technology and practical experience.

8. An outline of anticipated environmental impacts assuming mitigative measures are implemented and effective.

9. Where applicable, a summary of plans for cleanup, reclamation, disposal and/or abandonment of equipment or structures upon project completion.

10. An outline of past, current or upcoming environmental reviews, screening or assessments that are relevant to the project or any of its elements and/or phases.

11. An outline of any public consultation activities that have been conducted, or are planned, in relation to the project. A summary of the results of these activities, and a list of the concerns expressed by the organizations or individuals consulted.

12. A summary of any research or other information which, in the view of the proponent, will assist the Screening Committee in judging the environmental impact of the proposal.

13. A description of any compensation policies, programs or plans that relate to the activity proposed.

In completing the project description, proponents are advised to be as concise as possible given the scale and complexity of the individual project being described. The amount of information and detail provided should be relative to the type, nature and scale of the particular project proposed. Wherever possible, information supplied should be in the form of summaries, precis, or in point form. Maps, charts and diagrams should be attached where required.

As early in the planning stage as is practical, ten copies of this project description should be forwarded to:

Secretary,
Environmental Impact Screening Committee,
c/o Joint Secretariat,
P.O. Box 2120,
Inuvik, Northwest Territories,
X0E 0T0.

Also included should be a cover letter which requests a formal screening by the EISC, and provides contact telephone numbers for the individual responsible for the project.

4.3 It will be the responsibility of the developer to prepare the project description.

4.4 Information contained in the project description will not be considered confidential.

4.5 Information related to the development, which the developer considers to be confidential or proprietary, may be attached as a confidential annex to the project description. These annexes will be kept confidential by the Environmental Impact Screening Committee.

5.0 NOTIFICATION OF SUBMISSION

5.1 Upon receipt of a submission for screening, the Secretary of the Environmental Impact Screening Committee shall notify the appropriate government agencies of the requirements of the Environmental Screening and Review Process as they relate to the development submitted.

5.2 Upon receipt of a submission for screening from organizations identified in 3.3 of these procedures, the Secretary of the Environmental Impact Screening Committee will advise the developer and the appropriate government agencies of the submission and the requirement for screening.

5.3 When the complete project description has been received for a development submitted for screening, the Secretary of the Environmental Impact Screening Committee shall place the item on the agenda for screening at the next appropriate meeting of the Committee. Notice of the meeting date will be given to:

(1) the proponent of the development (the developer).

(2) the appropriate government agencies and organizations.

(3) the appropriate Inuvialuit agencies and organizations.

(4) other native organizations recognized as having an interest in the proceedings.

6.0 EXCLUSIONS FROM INDIVIDUAL SCREENING

6.1 The Environmental Impact Screening Committee may by formal resolution, from time to time, establish guidelines for the identification of categories of development which need not necessarily be submitted for detailed screening. The criteria for selection of these developments, and the process for their screening, will be attached as an annex to these operating guidelines and procedures, and may be amended from time to time by the Committee.

7.0 MEETINGS

7.1 Regular meetings will be conducted monthly, and more frequently as required, according to the by-laws of the Environmental Impact Screening Committee.

7.2 Dates and locations of future meetings will be decided at each meeting of the Environmental Impact Screening Committee.

7.3 Arrangements may be made by individuals or organizations, through the Secretary of the Committee to attend meetings of the Committee to make presentations. Requests must be made to the Secretary a minimum of 5 days prior to the meeting date.

7.4 The agenda for regular meetings of the Screening Committee will be finalized 10 days prior to each meeting, and a copy of the agenda will be provided to:

(1) Committee Members

(2) Appropriate Inuvialuit organizations

(3) Recognized neighbouring native organizations, as required.

(4) Proponents of developments to be screened

(5) Appropriate government regulatory agencies

7.5 The agenda for meetings of the Screening Committee shall follow the following format:

(1) Call to Order

(2) Minutes of previous meeting

(3) Briefs and presentations

(4) Formation of Screening Panels

(5) Screening Panel deliberations

(6) Decision of Screening Panels

(7) Other Business

(8) Next meeting

(9) Adjournment

8.0 SCREENING PANELS

8.1 Distinct screening panels will be constituted for each project to be screened, as provided for in the by-laws of the Environmental Impact Screening Committee.

8.2 The proceedings and deliberations of screening panels will be private and confidential, however the decision reached will be made public.

8.3 Attendance of non-members at screening panel meetings may be approved by majority decision of the screening panel.

8.4 The criteria used by screening panels will be those set out in Sections 11, 12 and 13 of the Inuvialuit Final Agreement.

9.0 NOTIFICATION OF SCREENING DECISIONS

Notification of the decision of the screening panel established to consider individual developments will be communicated to the Environmental Impact Screening Committee. The Chairman of the Environmental Impact Screening Committee will communicate that decision to:

(1) the developer/proponent

(2) the appropriate government regulatory and/or licensing agencies.

(3) other appropriate individuals, organizations or agencies.

(4) the Environmental Impact Review Board, if the proposal is referred to it.

A N N E X A

ENVIRONMENTAL IMPACT SCREENING COMMITTEE

OPERATING GUIDELINES AND PROCEDURES

DIAND LAND USE PERMIT APPLICATIONS

1.0 By resolution of the Environmental Impact Screening Committee, the following developments need not be screened for the purposes of issuing DIAND land use permits:

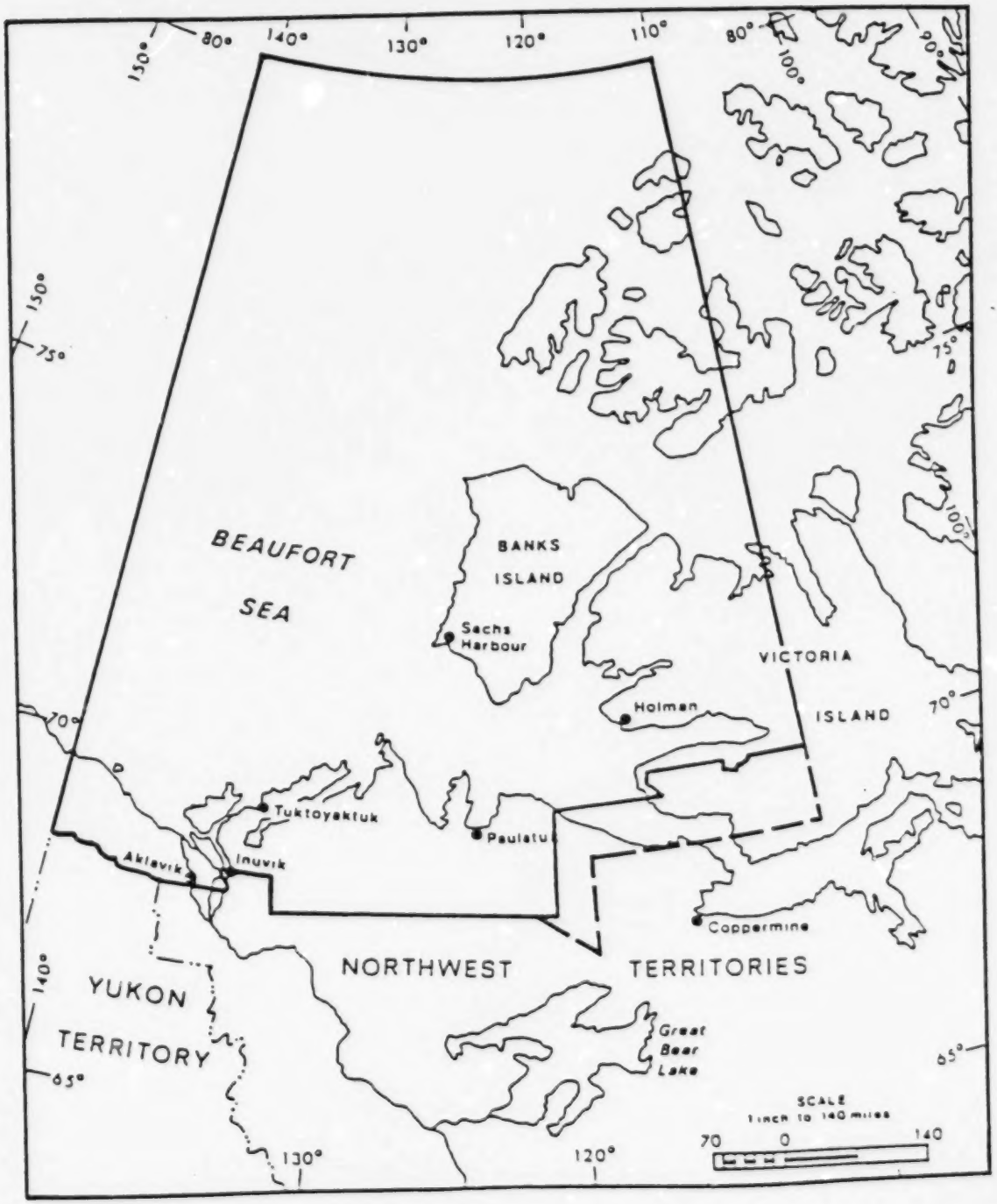
(1) Developments authorized by Land Use Permits issued in a previous year, where the permit remains valid, where the operating site, conditions, and procedures are essentially unchanged, and provided problems with the permit had not previously arisen.

(2) Developments authorized by an existing valid land use permit which request an extension of, or amendment to, that permit, provided that the extension or amendment does not involve significant changes to the operation, such as intensity of use, area used or season of activity. Significant changes are those which, in the opinion of the District Manager of the Department of Indian Affairs and Northern Development, may result in negative environmental impact.

ANNEX A (from The Inuvialuit Final Agreement)

ADJUSTED BOUNDARY ——— (See Annex A-1)
ORIGINAL BOUNDARY — — — — (See Annex A-2)

INUVIALUIT SETTLEMENT REGION



ANNEX A-1

[Adjusted Boundary]

Description of the Inuvialuit Settlement Region

That region described as follows:

Commencing at the point of intersection between the Yukon Territory/Alaska boundary and the shore of the Beaufort Sea;

thence southerly along said boundary to its intersection with the line of the watershed separating the streams flowing into the Porcupine River from those flowing into the Mackenzie River and the Beaufort Sea, said intersection being at approximate 68°33'25";

thence easterly and southerly along said line of watershed to a point on the Yukon Territory/Northwest Territories boundary on the trail across the portage in McDougall Pass between Rat and Bells Rivers at approximate latitude 67°42'48" and approximate longitude 136°27'16;"

thence north along the Yukon/NWT boundary to its intersection with latitude 68°13';

thence easterly along said parallel to the west shoreline of the East Channel of the Mackenzie River at approximate longitude 133°46'06"W;

thence northerly along the west shoreline to its intersection with latitude 68°25'N;

thence easterly along said parallel to its intersection with longitude 132°00'W;

thence southerly along said longitude to its intersection with latitude 68°00'N;

thence easterly along said parallel to its intersection with approximate longitude 120°40'51"W, such longitude being determined by the intersection of the shoreline of Amundsen Gulf with the mouth of Outwash River being the eastern portion of the Paulatuk 7(1)(b) land selections;

thence north along said longitude to its intersection with the shoreline of Amundsen Gulf;

thence easterly in a straight line to the point of intersection of the northerly bank of Kugalak River at the shoreline of Penny Bay in Amundsen Gulf;

thence generally easterly following said northerly bank to its intersection with longitude 116°38'10" at approximate latitude 69°38';

thence northwesterly in a straight line to the intersection of latitude 69°53'20" and longitude 117°08'40";

thence northerly in a straight line to the intersection of latitude 70°00' and longitude 117°07';

thence easterly along latitude 70°00' to its intersection with longitude 112°53';

thence southerly in a straight line to its intersection with latitude 69°50';

thence easterly along latitude 69°50' to its intersection with longitude 112°39';

thence northerly along longitude 112°39' to a point of intersection of longitude 112°39' at the shoreline of Quunnguq Lake at approximate latitude 69°51';

thence easterly, northerly and westerly following the sinuousities of the shoreline of said Lake to a point of intersection of longitude 112°30' at approximate latitude 69°54'50";

thence northerly along longitude 112°30' to its intersection with latitude 70°00';

thence easterly along said parallel to its intersection with longitude 110°00'W;

thence northerly along said longitude to its intersection with latitude 80°00'N;

thence westerly along said parallel to its intersection with longitude 141°;

thence southerly along said meridian of longitude to the point of commencement, without prejudice, however, to any negotiations or to any positions that have been or may be adopted by Canada respecting the limits of maritime jurisdiction in this area.

Pursuant to the TFN/COPE Agreement dated May 19, 1984, in the event that TFN has not concluded a Final Settlement with Canada containing the Inuvialuit rights referred to in that Agreement within ten years from the proclamation of the legislation giving effect to the Inuvialuit Final Agreement, the Inuvialuit Settlement Region boundary shall, unless agreed otherwise, revert to the "original boundary" as shown in Annex A and described in Annex A-2.